

**Notice of Allowability**

Application No.

10/564,960

Applicant(s)

PATEL, PRAKASH

Examiner

Art Unit

Helene Klemanski

1755

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed January 18, 2006.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

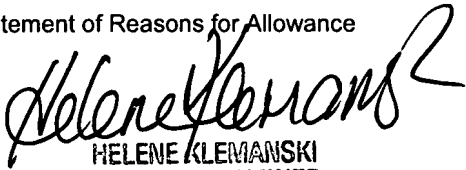
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 1/18/06 & 7/28/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
HELENE KLEMANSKI  
PRIMARY EXAMINER  
GROUP 1700

## DETAILED ACTION

### *Information Disclosure Statement*

1. The references cited in the Search Report dated October 1, 2004 have been considered.

### EXAMINER'S AMENDMENT

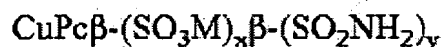
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In claim 12, line 1, the term "using" has been replaced with the term "utilizing" (see MPEP 2173.05 (q)).

### Reasons For Allowance

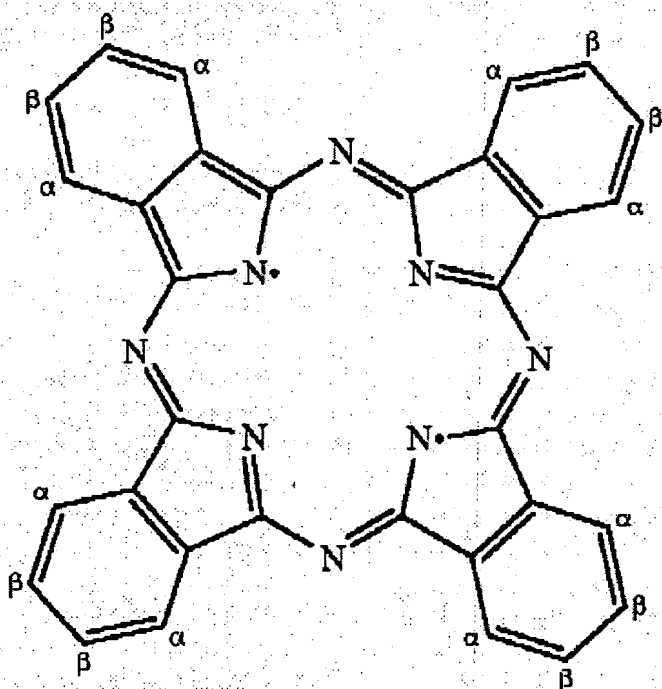
3. The following is an examiner's statement of reasons for allowance: This application teaches a composition comprising: (a) a major dye component which is a mixture of copper phthalocyanine dyes of the Formula (1)



Formula (1)

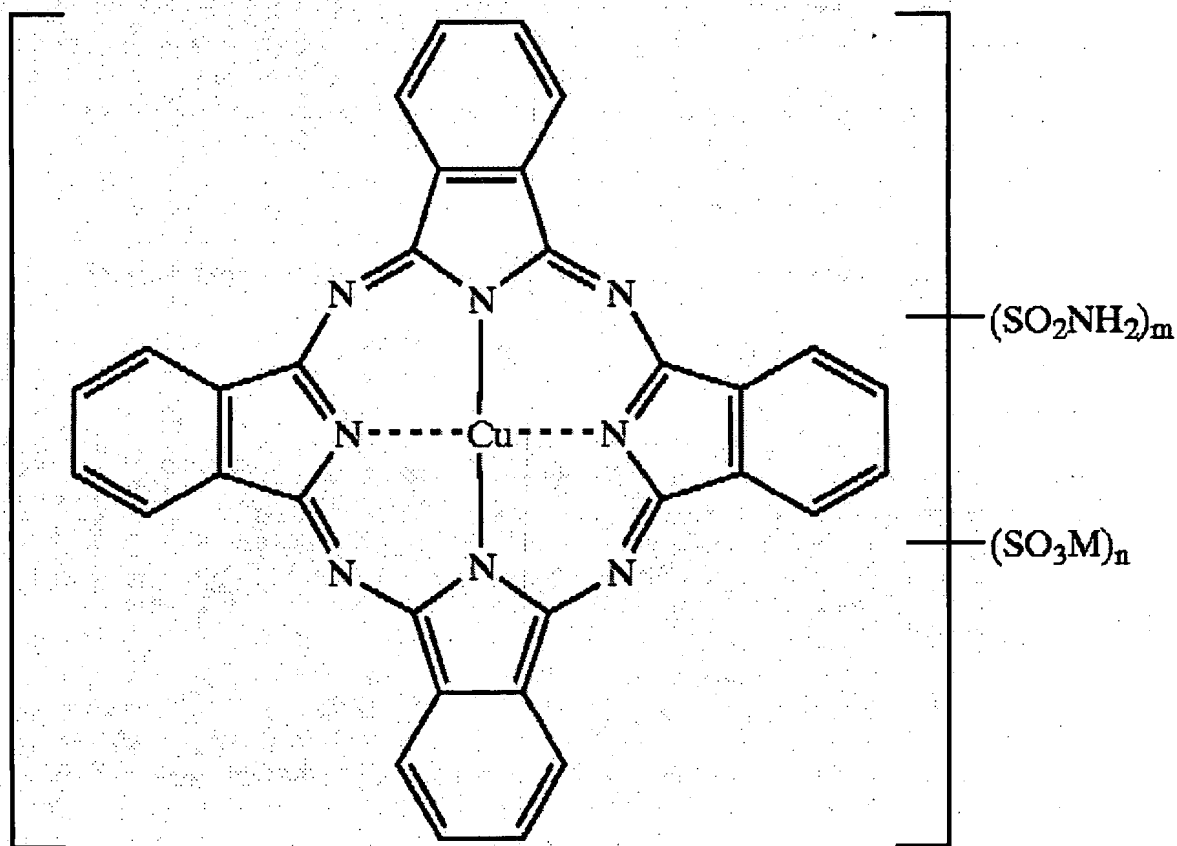
wherein Pc represents a phthalocyanine nucleus of the formula

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M is a cation; x and y each independently have an average value of from 0.5 to 3.5;  $(x + y) = 4$ ; and the sulfo and sulfonamide substituents are attached to the  $\beta$ -position on the phthalocyanine ring; and (b) a liquid medium which comprises water and an organic solvent or an organic solvent free from water and an ink composition comprising the above composition. The closest prior art of record is EP 1304359, which teaches a cyan dye mixture comprising a phthalocyanine dye of the formula

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wherein M represents a proton, an alkali metal ion, an alkaline earth metal ion, an onium ion of an organic amine or ammonium ion; m is an integer of 1 to 4; n is an integer of 0 to 3 and  $m + n$  is an integer of 1 to 4 and wherein the  $\text{SO}_3\text{M}$  and  $\text{SO}_2\text{NH}_2$  substituents are in the alpha and beta positions and an ink composition containing the cyan dye mixture but fails to teach or fairly suggest that the  $\text{SO}_3\text{M}$  and  $\text{SO}_2\text{NH}_2$  substituents are only in the beta position as claimed by applicants. Furthermore, applicants have provided evidence in the specification (see page 12) that the phthalocyanine dyes of the instant claims having the  $\text{SO}_3\text{M}$  and  $\text{SO}_2\text{NH}_2$  substituents only in the beta position show improved light and ozone fastness as compared to a phthalocyanine dye having the  $\text{SO}_3\text{M}$  and  $\text{SO}_2\text{NH}_2$  substituents in the alpha and beta

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positions. It is the examiner's position that these improvements would not have been expected by one having ordinary skill in the art. Accordingly, the application is allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

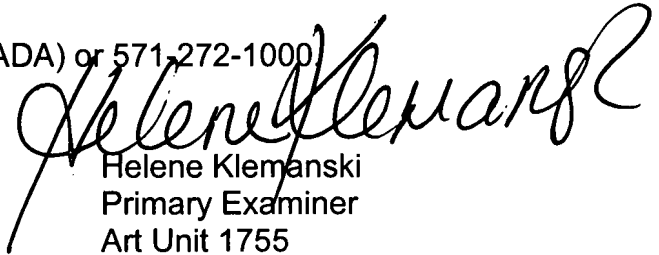
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Helene Klemanski  
Primary Examiner  
Art Unit 1755

  
HK

October 1, 2007